

double the amount of taxes so levied and collected. The bill as amended, was then ordered engrossed.

On motion of Senator Ireland, the rules were further suspended, bill read third time and passed.

Senator Ellis presented the following minority report on Senate bill No. 152, "An act to repeal all laws empowering counties, cities and towns to levy taxes to aid in the construction of railroads, etc., and other works of internal improvement:"

Hon. R. B. Hubbard, President of the Senate:

A minority of your Committee on State Affairs, to whom was referred Senate bill No. 152, entitled "An act to repeal all laws empowering counties, cities and towns to levy taxes to aid in the construction of railroads and other works of internal improvements," being unable to agree on the conclusion of the majority of said committee, beg leave to submit this their minority report, and to state that in their opinion the adoption of said majority report, and the passage of said bill would operate most injuriously to the highest interest of many counties, cities and towns of the State, and would seriously interfere with, if not absolutely defeat the constitutional right of counties, cities and towns to aid in the construction of railroads and other works of internal improvement. (See article 92, general provisions of the Constitution.) Wherefore the minority of your committee recommend that said bill do not pass.

Respectfully submitted,

O. ELLIS,

G. B. ERATH.

On motion of Senator Westfall, House bill No. 142, "An act to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873," was taken up and considered.

On motion of Senator Ireland, the rules were suspended, the bill was read second time and passed to third reading.

On motion of Senator Wood, the bill was referred to the Committee on Education.

On motion of Senator Friend, the Senate adjourned to 10 o'clock A. M. to-morrow.

THIRTY-THIRD DAY.

SENATE CHAMBER,

AUSTIN, February 21, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Mr. Philpot, of Austin.

Journal of yesterday read and adopted.

On motion of Senator Davenport, Senator Baker was excused until Monday next.

Senator Wood, for Judiciary Committee, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 97, "An act to further regulate the proof or acknowledgment of deeds and other written instruments, now permitted or required by law to be recorded," have carefully considered the same, and herewith report a substitute for said bill, and recommend that said substitute do pass.

All of which is respectfully submitted.

WOOD, for Committee.

The title of the substitute referred to, is: "An act to require district clerks and other officers, authorized and permitted by law to take acknowledgments and proof of deeds and other written instruments, to keep a record of the same." Read first time.

Senator Flanagan, chairman of the Committee on Counties and County Boundaries, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 138, "An act to enlarge and define the boundaries of Wilson county," have had the same under consideration, and, after careful examination, instruct me to report it back, and recommend that it do pass.

WEBSTER FLANAGAN, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 79, "An act to extend the area and enlarge the county of Gregg," have carefully examined into the merits of the bill, and had before them for and against the proposition, together with petitions praying for the passage, and petitions, numerous signed, protesting against its passage. Giving said petitions a careful examination, we find that said petitions are signed by the same parties. We are therefore at a loss to know the true wish of the people directly interested in the premises. All things considered, your committee have instructed me to report the bill back to the Senate and recommend it do not pass.

WEBSTER FLANAGAN, Chairman.

Senator Ireland, chairman of Judiciary Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred Senate bill No. 81, "An act better defining the marital rights of parties," passed the thirteenth day of March, A. D. 1848, respectfully report the same back, with the following amendment: Amend first clause of first section, by striking out the words "family of the husband and wife," and insert the words "the wife or her children," and amend further by striking out the words "the husband and," and recommend that the same, as amended, do pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bills No. 21, "An act to amend 'An act regulating elections,'" No. 22, "An act to amend 'An act to regulate elections,'" approved March 31, 1873; House bill No. 31, "An act to amend sections nineteen and twenty, of 'An act regulating elections,'" report back a substitute for said bills, and recommend the passage of said substitute. IRELAND, Chairman.

The title of the substitute referred to is "An act to amend an act entitled, 'An act regulating elections,'" approved March 31, 1873, and an act entitled "An act to amend 'An act regulating elections,'" approved April 1, 1873.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 109, "An act to amend article 757 of 'An act to adopt and establish a penal code for the State of Texas,'" approved August 26, 1856, instruct me to report the same back, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bill No. 171, "An act to authorize and empower the Governor to prescribe the number of hours for labor in the several departments of the government," report the same back, and recommend its passage.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bill No. 175, "An act to amend the sixth section of 'An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,'" report the same back and recommend its passage.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bill No. 185, "An act to make an appropriation to pay the mileage and per diem of witnesses in certain cases," report the same back and recommend its passage.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bill No. 199, "An act to authorize the taxation of attorneys' fees in certain causes," respectfully report it back with the recommendation that it do pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bill No. 72, "An act to amend 'An act to authorize the cancellation of patents in certain cases,'" approved February 3, 1851, report the same back with the recommendation that it do pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bill No. 172, "An act to authorize the Supreme Court to grant rehearings in certain causes," having carefully examined the same, instruct me to report it back, with an amendment, by inserting "provided, that it shall not interfere with the rights of a third interested party," between the words "entered" and "that," and recommend its passage as amended.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bill No. 140, "An act to regulate the sitting of the district courts of the State," have had the same under consideration, and report it back for the consideration of the Senate. The committee, while making no special recommendation, are of the opinion that said bill ought not to pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate bill No. 170, "An act to amend the sixty-seventh section of 'An act regulating proceedings in the district courts,'" approved May 13, 1846, instruct me to report the same back, and recommend the passage of the accompanying substitute.

IRELAND, Chairman.

The title of the substitute referred to is "An act supplemental to and amendatory of the several acts governing the practice in the district courts of this State."

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 100, "An act to provide for supplying the records of Limestone county, destroyed by fire," instruct me to report the same back, and recommend the passage of the accompanying substitute.

IRELAND, Chairman.

The title of the substitute referred to is "An act to provide for the supplying of lost records in the several counties in this State."

Senator Westfall, chairman of the Committee on Education, submitted the following report:

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Education, to whom was referred House bill No. 142, "An act to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873," have had the same under consideration, and have instructed me to report the bill back, with the accompanying amendment, and recommend that the bill, as amended, do pass.

Wm. H. WESTFALL, Chairman.

Amend by striking out all after the word "April 20, 1873," in section two, line seven, and in place in lieu thereof the following: "provided, that, if the Superin-

tendent of Public Instruction be not furnished with the complete and full scholastic returns of each and every county in this State, for the year 1873, upon which to make the apportionment, he shall then proceed to make the same upon the scholastic returns of September 1, 1871."

On motion of Senator Wood, House bill No. 142, "An act to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873," was taken up out of its regular order, under a suspension of the rules.

The amendments of the committee were concurred in.

The bill, as amended, was then read third time and passed.

Senator Westfall moved to suspend the rules to take up Senate bill No. 155, "An act to define the duties and prescribe the powers of mayor and boards of aldermen of towns and cities," and which was referred to the Judiciary Committee. Lost.

Senator Westfall, for Committee on Enrolled Bills submitted the following report: *Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 50, "An act making an appropriation to pay judgment in favor of E. M. Smith against the State of Texas;" also, Senate joint resolution No. 118, "instructing the Attorney General to bring suit against James Davidson, late Adjutant General, and to prevent the sale of property in this State held in his name until the termination of said suit;" and find the same correctly enrolled, and have this day at 10:30 o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Stirman, chairman of Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 107, "An act to regulate and define legal publications in certain cases," have carefully examined and considered the same, and instruct me to report it back, with the recommendation that it do not pass.

W. B. STIRMAN, Chairman.

Senator Parker moved that the rules be suspended to take up Senate joint resolution No. 88, "To call a constitutional convention." Carried by the following vote: Yeas—Senators Allison, Ball, Bradshaw, Bradley, Burton, Camp, Davenport, Dwyer, Ellis, Grant, Flanagan, Friend, Hobby, Morris, Moore, Parker, Stirman and Treadwell—18.

Nays—Senators Dillard, Ireland, Randle, Russell, Swift, Westfall and Wood—7.

Absent, not voting—Senators Culberson and Ledbetter.

The majority and minority report on said joint resolution, was then read:

Senator Swift offered to amend as follows: Amend by striking out "thirty from the State at large." Adopted.

Senator Wood offered the following amendment: Strike out "ninety" wherever it occurs; and insert instead thereof "thirty."

Senator Ireland offered a substitute for the whole matter under consideration, the title of the substitute is, "An act to provide for the calling of a constitutional convention."

Pending the discussion of the bill, on motion of Senator Ireland, the Senate adjourned to 10 A. M., Monday.

THIRTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, February 23, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Dr. Crane, of Independence.

The journal of Saturday was read and adopted.

Senator Morris presented a petition from school teachers of Hunt county, asking that the Legislature "will *speedily* make relief for this essential and important class of the community." Read first time and referred to Committee on Education.

Senator Wood introduced a bill entitled "An act regulating the admissibility of certain written instruments in evidence in the courts of this State." Read first time and referred to the Judiciary Committee.

Senator Swift presented additional charges against Judge J. B. Williamson, of the Sixth Judicial District. Read, and, on motion of Senator Ireland, ordered spread on the journals and sent to the House.

ADDITIONAL CHARGES AGAINST JUDGE WILLIAMSON.

Under the right reserved in the first statement of reasons given for asking the removal of J. B. Williamson as Judge of the Sixth Judicial District, the following are submitted as additional reasons for his removal:

The last charge presented against the said J. B. Williamson as judge, etc., in the original address, viz: That touching the approval of the bond of S. H. Russell, dated the nineteenth of November, 1872, is withdrawn.

The said J. B. Williamson has so demeaned himself as Judge of the Sixth Judicial District; that he has brought the administration of the law in said district into disrepute to such an extent that the people, the bar, and the litigants, in said district,